

IN RESPONSE TO FCC PROCEEDING 17-108

I am writing to express my strong support in favor of the principle of "Net Neutrality" or the "Open Internet" as most recently classified by the FCC in 2015 under Title II of the Communications Act of 1934 and Section 706 of the Telecommunications Act of 1996. The FCC's own website describes the application of these two laws to ISPs as "grounded in the strongest possible legal foundation." Indeed, the restrictions outlined in the FCC's Open Internet rules are quite clear:

- *No Blocking: broadband providers may not block access to legal content, applications, services, or non-harmful devices.*
- *No Throttling: broadband providers may not impair or degrade lawful Internet traffic on the basis of content, applications, services, or non-harmful devices.*
- *No Paid Prioritization: broadband providers may not favor some lawful Internet traffic over other lawful traffic in exchange for consideration of any kind—in other words, no "fast lanes." This rule also bans ISPs from prioritizing content and services of their affiliates.*

I would like to address specifically the concerns raised by newly appointed FCC Chairman Ajit Pai, as quoted in an interview with Rare (Source: <http://rare.us/rare-politics/the-net-neutrality-debate-and-beyond-a-rare-interview-with-fcc-chairman-ajit-pai/>):

"As I envision the current order remaining in place, unfortunately it seems to me that we're going to see less infrastructure investment by internet service providers big and small, we're going to see less competition. I mean, these are monopoly rules designed to handle Ma Bell in the 1930s, and rules like that inevitably end up leading us towards monopoly. But, if the Title II classification were removed, if we embraced more of the Clinton-era light-touch approach, I'm confident that we'll have a flowering of investment, much more innovation and entrepreneurship on top of those networks, and at the end of the day consumers will see better, faster, and cheaper internet – especially those consumers who under the current framework are being left behind."

I would invite Chairman Pai to review section II of FCC-15-24, specifically these passages which directly address his concerns:

B. Promoting Investment with a Modern Title II

37. Today, our forbearance approach results in over 700 codified rules being inapplicable, a “light-touch” approach for the use of Title II. This includes no unbundling of last-mile facilities, no tariffing, no rate regulation, and no cost accounting rules, which results in a carefully tailored application of only those Title II provisions found to directly further the public interest in an open Internet and more, better, and open broadband. Nor will our actions result in the imposition of any new federal taxes or fees; the ability of states to impose fees on broadband is already limited by the congressional Internet tax moratorium.

38. This is Title II tailored for the 21st Century. Unlike the application of Title II to incumbent wireline companies in the 20th Century, a swath of utility-style provisions (including tariffing) will not be applied. Indeed, there will be fewer sections of Title II applied than have been applied to Commercial Mobile Radio Service (CMRS), where Congress expressly required the application of Sections 201, 202, and 208, and permitted the Commission to forbear from others. In fact, Title II has never been applied in such a focused way.

39. History demonstrates that this careful approach to the use of Title II will not impede investment. First, mobile voice services have been regulated under a similar light-touch Title II approach since 1994 – and investment and usage boomed. For example, between 1993 and 2009 (while voice was the primary driver of mobile revenues), the mobile industry invested more than \$271 billion in building out networks, during a time in which industry revenues increased by 1300 percent and subscribership grew over 1600 percent. Moreover, more recently, Verizon Wireless has invested tens of billions of dollars in deploying mobile wireless services since being subject to the 700 MHz C Block open access rules, which overlap in significant parts with the open Internet rules we adopt today. But that is not all. Today, key provisions of Title II apply to certain enterprise broadband services that AT&T has described as “the epicenter of the broadband investment” the Commission seeks to promote. Title II has been maintained by more than 1000 rural local exchange carriers that have chosen to offer their DSL and fiber broadband services as common carrier offerings. And, of course, wireline DSL was regulated as a common-carrier service until 2005—including a period in the late ‘90s and the first five years of this century that saw the highest levels of wireline broadband infrastructure investment to date.

40. In any event, recent events have demonstrated that our rules will not disrupt capital markets or investment. Following recent discussions of the potential application of Title II to consumer broadband, investment analysts have issued reports concluding that Title II with appropriate forbearance is unlikely to alter broadband provider conduct or have any negative effect on their value or future profitability. Executives from large broadband providers have also repeatedly represented to investors that the prospect of regulatory action will not influence their investment strategies or long-term profitability; indeed, Sprint has gone so far to say that it “does not believe that a light touch application of Title II, including appropriate forbearance, would harm the continued investment in, and deployment of, mobile broadband services.” Finally, the recent AWS auction, conducted under the prospect of Title II regulation, generated bids (net of bidding credits) of more than \$41 billion—further demonstrating that robust investment is not inconsistent with a light-touch Title II regime.

The dismissal of Title II's application to ISPs as antiquated is thus without merit, and there is little evidence supporting the notion that Title II threatens investment and innovation - on the contrary, the carefully thought-out application of Title II has historically increased investment and innovation. Pai has recently claimed that after adopting Title II, "infrastructure investment declined," citing specifically that "domestic broadband capital expenditures decreased by 5.6%, or \$3.6 billion, between 2014 and 2016, the first two years of the Title II era." This simply isn't true - for one thing, the application of Title II to ISPs didn't officially become law until June 2015, so any figures before that are irrelevant to the discussion. Secondly, in both 2016 and 2017, all the major publicly-traded ISPs gave what Consumerist described as "glowing quarterly reports to investors, claiming high levels of investments in their networks and singing the praises of their own growth." [Source: <https://consumerist.com/2017/04/28/4-misleading-things-isps-and-the-fcc-need-to-stop-claiming-about-net-neutrality/>] Further investigation into the numbers just doesn't support the figure quoted by Pai. Comcast has steadily increased capital expenditure spending from 2014 to 2016, rising from \$6.2 to \$7.6 billion. AT&T had a minor decrease from \$21.2 in 2014 to \$20.7 billion in 2015, but then increased spending again to \$22.9 billion in 2016. Of the big three, only Verizon showed a decrease in 2016, but that was after a significant increase from \$17.2 billion in 2014 to \$17.8 billion in 2015. In combining the spending of all three companies from 2014 to 2016, the total increase in capital expenditure has been \$3 billion - nearly the complete opposite of the decrease Pai is claiming. [Source: <http://www.lightreading.com/net-neutrality/the-title-ii-capex-argument-is-ridiculous/a/d-id/732427>]

It's also worth mentioning that net neutrality has been a fundamental aspect of the internet since its inception, and the most recent regulations are not the first put in place to ensure an open internet - yet thus far the internet has only continued to grow in scope, innovation, and adoption. The idea that net neutrality is somehow "bad for business" is simply ungrounded in reality.

An attack on an Open Internet is an attack on the fundamental principles upon which it was founded and has thrived since its inception. To further illustrate this point, I'd like to cite a passage from a 1998 webpage titled "The Internet Manifesto" which declares the internet an inalienable right, much like the United Nations later did both in a 2011 report and a 2016 resolution. This anonymously authored manifesto, credited simply as a "HIP publication, copyright 1997, HIP INC," remains as relevant as ever - it's still a top Google search result for "internet manifesto" 20 years later. The proclamation begins as follows:

Every human being, every man, woman and child, has the inalienable right to access information, communication and commerce. To this end the Internet has evolved to serve mankind. Any entity attempting to abridge these rights is an enemy of the people. Just as governments have granted rights to their citizens, so the Internet grants rights to its netizens.

- 1. No person shall be denied access to the Internet, unless they have abused that right.*
 - 2. Internet access shall be universal and inexpensive.*
 - 3. No information shall be censored! One must assume that it is better to be informed than ignorant.*
 - 4. No individual, or entity may restrict access to the Internet or it's content in any way.*
 - 5. Every effort must be made to extend Internet access to those least able to obtain it, as those are the people who can most benefit from it.*
 - 6. Business interests must not be allowed to dominate or control the Internet. It is their purpose to facilitate and enhance the experience. Thus shall they prosper.*
- [Source: <https://www.hippy.com/manifesto.htm>]***

These words reflect the core values of the internet from its humble beginnings to its current mass adoption. Any restriction, prioritization, or manipulation of internet traffic by providers that affects the availability of lawful content to consumers is a detriment to the people and a violation of our rights. The responsibility of internet providers, at its core, is to simply open a door - it's up to each individual to decide where to go after that. That freedom is what grew the internet into an essential part of our daily lives, and thus put billions of dollars into the pockets of service providers. If current broadband providers want to continue to prosper, net neutrality **MUST** be upheld. And what kind of standard is America, "land of the free," setting to the world if we don't have an unequivocally free and open internet? Any change in net neutrality laws is a slippery slope that could eventually lead to dramatic restrictions like those seen in countries like China and Russia. We must protect the rights of the people, the fundamental values of America, and the eternal promise of the internet as a universal source of information, communication, and commerce which discriminates against no one. I strongly support the FCC's current Open Internet rules, and I kindly ask the current Chairman to reconsider his position on this issue. Any attempt to limit net neutrality will be met with the vocal and actionable opposition of millions of Americans, myself included. I thank you for your time and consideration.

Sincerely,
Astrid Richardson